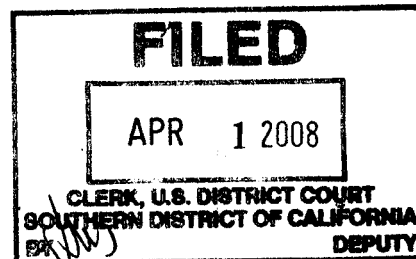


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8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 v. )  
14 VICTOR VASQUEZ-GODINEZ, )  
15 Defendant. )

Magistrate Case No. 08MJ0838

16  
17 **STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

(Pre-Indictment Fast-Track Program)

18 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
19 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and  
20 Carla J. Bressler, Assistant United States Attorney, and defendant VICTOR VASQUEZ-GODINEZ,  
by and through and with the advice and consent of Robert R. Henssler, counsel for defendant, that:

21 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing  
22 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
23 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
24 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
25 of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii)  
26 and (v)(II).

27 //

28 CJB:es:3/19/08

1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **April 17, 2008**.

6           4. The material witnesses, Andres Reyes-Reyes, Claudia Angelica Tellez-Rodriguez  
7 and Esteban Ramirez-Gonzalez, in this case:

8               a. Are aliens with no lawful right to enter or remain in the United States;  
9               b. Entered or attempted to enter the United States illegally on or about  
10 March 15, 2008;

11               c. Were found in a vehicle driven by defendant, (who had guided them into the  
12 United States on foot and loaded them into the vehicle he was driving) near Interstate 8,  
13 approximately 1 mile north of the United States and Mexico International Border and approximately  
14 27 miles east of the Tecate, California Port of Entry, and that defendant knew or acted in reckless  
15 disregard of the fact that they were aliens with no lawful right to enter or remain in the United  
16 States;

17               d. Were paying \$1,800 - \$2,500 to others to be brought into the United States  
18 illegally and/or transported illegally to their destination therein; and,

19               e. May be released and remanded immediately to the Department of Homeland  
20 Security for return to their country of origin.

21           5. After the material witnesses are ordered released by the Court pursuant to this  
22 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
23 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any  
24 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral  
25 attack, that:

26               a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
27 substantive evidence;

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Victor Vasquez-Godinez

1 b. The United States may elicit hearsay testimony from arresting agents  
2 regarding any statements made by the material witness(es) provided in discovery, and such  
3 testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements  
4 against interest of (an) unavailable witness(es); and,

5 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
6 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
7 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
8 waives the right to confront and cross-examine the material witness(es) in this case.

9 6. By signing this stipulation and joint motion, defendant certifies that defendant has  
10 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
11 further that defendant has discussed the terms of this stipulation and joint motion with defense  
12 counsel and fully understands its meaning and effect.

13 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
14 immediate release and remand of the above-named material witness(es) to the Department of  
15 Homeland Security for return to their country of origin.

16 It is STIPULATED AND AGREED this date.


17 Respectfully submitted,

18 KAREN P. HEWITT  
19 United States Attorney

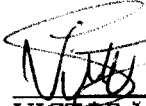
20 Dated: 4/1/08

21   
22 CARLA J. BRESSLER  
23 Assistant United States Attorney

24 Dated: 3/21/08

25   
26 ROBERT R. HENSSLER  
27 Defense Counsel for Vasquez-Godinez

28 Dated: 3/21/08

  
VICTOR VASQUEZ-GODINEZ  
Defendant

Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
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**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

**SO ORDERED.**

Dated: 4/1/08

  
United States Magistrate Judge